

AO 91 (Rev. 08/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the
Western District of TexasUnited States of America
v.
EDITH GUZMAN

Case No.

A 10-m-873

Defendant(s)

CRIMINAL COMPLAINT

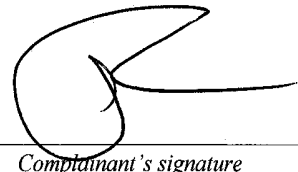
I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of July 21, 2010 in the county of TRAVIS in the
WESTERN District of TEXAS, the defendant(s) violated:

Code Section	Offense Description
42 USC Section 408(a)(7)(B)	Social Security Number Misuse
18 USC Section 1035(2)(a)(2)	False Statements Related to Healthcare Matters

This criminal complaint is based on these facts:

See attached affidavit

☒ Continued on the attached sheet.

Complainant's signature

ANTONIO PUENTE, SPECIAL AGENT

Printed name and title

Sworn to before me and signed in my presence.

Date:

11/15/10

City and state:

Austin, TX



Judge's signature

ROBERT PITMAN
U.S. MAGISTRATE JUDGE

Printed name and title

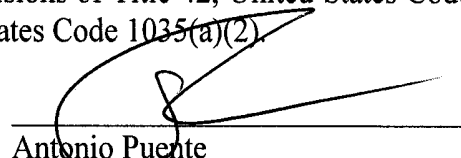
AFFIDAVIT

I, Antonio Puente, having been duly sworn, do hereby state and depose as follows:

1. I am employed as a Special Agent (SA) with the Office of the Inspector General, Office of Investigations, Social Security Administration in San Antonio, Texas. I have been so employed since 2002. In connection with my official duties, I investigate criminal violations of Title 42 of the United States Code involving fraud, waste and abuse of Social Security programs. I also investigate employee misconduct within the Social Security Administration and violations statutes under Title 18 of the United States Code. I have received specialized training in the enforcement of these statutes and have also testified in judicial proceedings and presented for prosecution violations of the above Titles.
2. Based on information provided in this affidavit, I believe there is probable cause to support a finding that Edith Guzman (hereafter referred to as GUZMAN) has violated the provisions of Title 42, United States Code, Section 408(a)(7)(B) and Title 18 United States Code 1035(a)(2). Except as explicitly set forth below, I have not, in this affidavit, distinguished between the facts of which I have personal knowledge and facts as to which I have hearsay knowledge. I have not set forth each and every fact learned during the course of this investigation, but simply those facts which I believe are necessary to establish probable cause for issuance of an arrest warrant.
3. Certified Nurse's Aides (CNAs) Licensing: Individuals seeking to become CNA's in Texas must complete an approved nurse aide training and competency evaluation program and pass the competency evaluation program examination. CNA education programs cover subjects such as basic nursing principles, patient rights, effective communication, job safety, anatomy and medical terminology, ethics, observation and reporting. After obtaining a passing score on the exam, the student must submit Form 5506-NAR, Texas Nurses Aid Registry Employment Verification, to the Texas Department of Aging and Disability Services (DADS) in Austin, Texas. This form is completed by the CNA and the health care facility where the CNA is attempting to obtain employment. The form contains the applicant's full name, social security number, date of birth, criminal history, sex, CNA certificate number, and is submitted by the health care facility on behalf of the CNA to DADS for final verification and approval. This investigation has revealed that GUZMAN obtained employment at the New Hope Manor nursing home in Cedar Park, Texas, and Form 5506-NAR was submitted and signed by GUZMAN on or about July 21, 2010.
4. On October 27, 2010, during the course of an investigation conducted by the Pflugerville Police Department (PPD), PPD Assistant Chief Jim Mclean informed me that the PPD identified approximately twenty-eight individuals who had obtained employment at the Pflugerville Nursing and Rehab Center (PNHRC) located in Pflugerville, TX within the Western District of Texas; using false or fictitious documents including Social Security Cards and Resident Alien Cards. PPD Assistant Chief Mclean further informed that GUZMAN was one of the twenty-eight individuals that had also obtained employment as a CNA with the PNHRC. Both New Hope Manor and PNHRC are nursing home facilities which

engage in billing on behalf of patients to the federal Medicare and state Medicaid health care programs.

5. On November 12, 2010, I also received DADS Form 5506-NAR completed, signed, and dated July 21, 2010 by GUZMAN. A review this document revealed that GUZMAN provided Social Security Account Number (XXX-XX-5218) on both the form, claiming that the Commissioner of the Social Security Administration (COSS) issued the SSAN to her.
6. On November 15, 2010, I conducted Social Security Administration systems searches for the above referenced SSAN. I discovered that the SSAN was a valid SSAN issued by the COSS, but the SSAN was not issued to GUZMAN. The systems searches further revealed that the SSAN was originally issued in April 1970, to an individual named S. Gonzales.
7. GUZMAN fraudulently used SSN XXX-XX-5218 by providing false information on Texas Department of Aging and Disability Services Texas Nurse Aide Registry Employment Verification (Form 5506-NAR), while completing an application for employment with New Hope Manor.
8. On or about July 21, 2010, GUZMAN did willfully, knowingly and with intent to deceive, falsely represent a number to be the social security account number assigned by the Commissioner of Social Security to her, when in fact such number is not the social security account number assigned by the Commissioner of Social Security to her, in violation of Title 42, United States Code, Section 408(a)(7)(B).
9. On or about July 21, 2010, GUZMAN did knowingly and willfully falsified, concealed, and made materially false, fictitious, or fraudulent statements or representations, and used materially false writing or documents knowing that the same contained materially false, fictitious, and fraudulent statements and entries that were in connection with the delivery of or payment for a health care benefit program, in violation of Title 18 United States Code 1035(a)(2).
10. Based on the forgoing, I submit that sufficient probable cause exists to believe that Edith GUZMAN has violated the provisions of Title 42, United States Code, Section 408(a)(7)(B) and Title 18 United States Code 1035(a)(2).



Antonio Puente
Special Agent
Social Security Administration
Office of the Inspector General
Office of Investigations

Sworn to before me and subscribed in my presence.

A handwritten signature in black ink, appearing to read "Roan", with a long horizontal flourish extending to the right.

U.S. Magistrate Judge